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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

JOHN WHETMAN

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: Sep 23, 2003

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 9/30/03

A. Patent Application No.(s) \_\_\_\_\_

City: Santa Barbara State: CA Zip: 93130-3056

Additional name(s) & address(es) attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: PlantHaven, Inc

Internal Address: Geoffrey Needham

Street Address: 121 W Pueblo Street, Suite 14

PO Box 3056

City: Santa Barbara State: CA Zip: 93130-3056

6. Total number of applications and patents involved: 

7. Total fee (37 CFR 3.41)..... \$ 40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

502161

9. Signature.

GEOFFREY NEEDHAM

Name of Person Signing

Geoffrey Needham

Signature

09/30/03

Date

Total number of pages including cover sheet, attachments, and documents: 3

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, P.O. Box 1450

## ASSIGNMENT OF PATENT APPLICATION

Whereas, I, JOHN WHETMAN  
PRINT NAME (first-named Inventor)  
of DEER PARK FARM, CHUDLEIGH, DEVON, UK  
(Street, City, State/Province/County/Country)

believe that I am the original and first inventor of a new and distinct cultivar of

### DIANTHUS PLANT NAMED 'DEVON OCTAVIA'

I, for good and valuable consideration, hereby convey and assign to PlantHaven, Inc., PO Box 3058, Santa Barbara, California, CA 93130-3058, USA the entire right in any application for United States Plant patent regarding the above-named cultivar, including but not limited to, the right to take action in any proceeding before the United States Patent and Trademark Office. This is an assignment with respect to the patent application pending before/or to be filed with the United States Patent and Trademark Office.

Executed by me by signature hereunder:

John Whetman  
(first-named Inventor)

23 - 09 - 03  
(date)

#### Certificate of Acknowledgment

State of Chudleigh, ss.  
County of Devon

On this 03rd day of September 2003 before me,

personally appeared John Whetman,

MCQUEEN & T PRENTISS  
SOLICITORS  
Bank Chambers  
71 Fore Street  
Chudleigh  
Newton Abbot  
Devon TQ13 0HT

known personally to me  
 proved to me by satisfactory ev. since

to be the person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their  
authorized capacity(ies), and that the his/her/their  
signature on the instrument the person(s), or the entity  
upon behalf of which the person(s) listed, executed the  
instrument.

WITNESS my hand and official seal

Place Notary Seal Above

John Whetman  
Signature

Notary Public

Commissioner for Oaths

Other (specify) \_\_\_\_\_

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: JOHN WHETMANApplication No./Patent No.: \_\_\_\_\_ Filed/Issue Date: 09-30-2003Entitled: DIANTHUS PLANT NAMED DEVON OCTAVIA  
PLANTHAVEN, INC., a CORPORATION

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

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The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.**OR**

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

09/30/2003

Date

805 569 6498

Telephone number

Geoffrey Whetman

Typed or printed name

G. Whetman

Signature

President, Planthaven Inc

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.